

Exhibit G

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

3 FLOYD'S OF LEADVILLE, INC., n/k/a VALUED, INC.,

4 Plaintiff,

5 -v- No. 1:22-cv-03318

6 ALEXANDER CAPITAL, LP; NESA MANAGEMENT LLC;
7 JOSEPH ANTHONY AMATO; ROCCO GERARD
8 GUIDICIPIETRO; JONATHAN GAZDAK; GREGORY F.
9 HURLEY; HOWARD DASILVA; RONALD BARRIE CLAPHAM;
MARK DAVID LEONARD; THIEN TRUONG; PROVISION
HOLDING INC., TIMOTHY KELLY; and THREE DDD LLC,

10 Defendants.

11
12
13 CONTINUED REMOTE VIDEOCONFERENCE

14 DEPOSITION OF ALEXANDRA MERLE-HUET, a Witness
15 herein, taken by the Defendant, on Wednesday,
16 September 4, 2024, at 3:00 p.m., before Jeffrey
17 Shapiro, a Stenographic Reporter and Notary
18 Public, within and for the State of New York.
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25

1 A P P E A R A N C E S :

2 HOLCOMB & WARD, LLP

3 Attorneys for the Defendants

4 3455 Peachtree Road, Suite 500

5 Atlanta, Georgia 30326

6 BY: BRYAN WARD, ESQ.
7 HOLLY COLE, ESQ.
8 AARON WRIGHT, ESQ.

9
10 LAW OFFICE OF PAUL RACHMUTH, ESQ.

11 Attorneys for the Defendants RONALD BARRIE
12 CLAPHAM and MARK DAVID LEONARD

13 265 Sunrise Highway, Suite 62

14 Rockville Centre, New York 11570

15 BY: PAUL RACHMUTH, ESQ.

16 VEDRA LAW, LLC

17 Attorneys for the Plaintiff

18 1444 Blake Street

19 Denver, Colorado 80202

20 BY: DANIEL VEDRA, ESQ.

21
22 Also Present:

23 DANA BACHMAN, Videographer
24
25

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2
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4
5
6 IT IS HEREBY STIPULATED AND AGREED by
7 and between the attorneys for the respective
8 parties hereto, that the filing, sealing and
9 certification be, and the same are hereby
10 waived;

11
12 IT IS FURTHER STIPULATED AND AGREED
13 that all objections, except as to the form of
14 the questions, shall be reserved to the time of
15 the trial;

16
17 IT IS FURTHER STIPULATED AND AGREED
18 that the within examination may be subscribed
19 and sworn to before any notary public with the
20 same force and effect as though subscribed and
21 sworn to before this Court.
22
23
24
25

Huet

(Time noted: 3:24 p.m.)

THE VIDEOGRAPHER: Good afternoon.

We are now on the record at 3:24 p.m.,

Eastern Time, on September 4th, 2024.

This begins the video conference

deposition of Alexandra Merle-Huet taken

in the matter of Floyd's of Leadville,

Incorporated, et al, versus Alexander

Capital, LP, et al, filed in the U.S.

District Court Southern District of New

York. Case Number 1:22-CV-03318.

My name is Dana Bachmann, I'm your

videographer today. The court reporter

is Jeffrey Shapiro. We're both

representing Esquire Deposition

Solutions.

Would everyone present please

identify themselves beginning with the

noticing attorney.

MS. COLE: Hi, good afternoon. This

is Holly Cole with Holcomb & Ward. I'm

joined remotely by Bryan Ward and Aaron

Wright, also with Holcomb & Ward, and we

1 Huet
2 represent Alexander Capital, LP, Nesa
3 Management LLC, Joseph Amato, Rocco
4 Guidici Pietro and Jonathan Gazdak.

5 MR. RACHMUTH: This is Paul Rachmuth
6 from Paul Rachmuth Law Office PLLC
7 representing Barrie Clapham and Mark
8 Leonard.

9 MR. VEDRA: This Dan Vedra from
10 Vedra Law, LLC on behalf of the
11 plaintiff.

12 THE VIDEOGRAPHER: Thanks very much.

13 Mr. Reporter, would you kindly swear
14 in our witness.

15 THE REPORTER: Would you raise your
16 right hand?

17 (The witness complied.)

18 Do you swear that your testimony
19 today shall be the truth, the whole
20 truth, and nothing but the truth?

21 THE WITNESS: I do.

22 THE REPORTER: Please state your
23 name and address for the record.

24 THE WITNESS: Alexandra Merle-Huet,
25 61 Stoneyside Drive, Larchmont, New York

Huet

10538.

THE REPORTER: Your witness,

Ms. Cole.

DIRECT EXAMINATION

BY MS. COLE:

Q. Good afternoon. Thank you for
rejoining us.

Have you taken any medication since
the earlier deposition session that adjourned
at 1:30 that might impair your ability to
testify truthfully and accurately today?

A. No.

Q. Is there any other reason since we
adjourned at 1:30 that would impair your
ability to testify truthfully and accurately
today?

A. Not that I'm aware of.

Q. Since the prior deposition session,
have you spoken with anyone about this
deposition?

A. Not that I can recall.

Q. Since the prior session earlier
today, have you reviewed any documents in

1 Huet
2 connection with this case or this deposition?

3 A. No.

4 Q. Since the prior session, have you
5 had the chance to refresh your memory on some
6 of the topics that we discussed, such as your
7 employment status?

8 A. No.

9 Q. Same question for your employment
10 history.

11 A. What's the question?

12 Q. Have you had any occasion to
13 refresh your memory on your employment history?

14 A. I have not.

15 Q. Have you had any occasion to
16 refresh your memory on your relationship with
17 Floyd Landis?

18 A. I have not.

19 Q. Is Mr. Landis present with you
20 today at the address where you are located?

21 A. Not that I'm aware of.

22 Q. I believe I saw him on screen
23 behind you earlier when you were drinking
24 something. Is he not present in the house with
25 you?

1 Huet

2 A. No.

3 Q. How did you get the link for this
4 second session of the deposition today?

5 A. My lawyer sent it to me.

6 Q. How did he send it to you?

7 A. I have to go back and check. I'm
8 not sure.

9 Q. Did he e-mail it to you?

10 A. I don't think so.

11 Q. Did he text it to you?

12 A. Possibly. I don't know. I have to
13 go back and check.

14 Q. Are you receiving text messages
15 right now during the deposition?

16 A. Yes. I don't know how to turn it
17 off. It's my sister. If I turn off the sound
18 of the notifications, it turns off my whole
19 sound. So, I don't know how to -- maybe
20 somebody can show me how to do it.

21 Q. You don't have the ability to just
22 silence the phone?

23 A. It's not from any phone. It's on
24 my laptop.

25 Q. Do you have any notes with you

1 Huet

2 today?

3 A. No.

4 Q. Were you communicating
5 electronically by text with anyone during the
6 prior deposition session?

7 A. No.

8 Q. I just want to go through some
9 various iterations of your name.

10 Do you ever go by Alex Merle?

11 A. Not really. I think I -- I did
12 focus, I think I figured out how to silence my
13 texts on my laptop. Okay.

14 MS. COLE: I apologize for this, but
15 I need to take a two-minute break. So,
16 if we can go off the record for two
17 minutes. I just have to step away from
18 my desk for an emergency. I'll come
19 right back.

20 THE VIDEOGRAPHER: Off the record at
21 3:29 p.m., Eastern Time.

22 (Recess taken.)

23 THE VIDEOGRAPHER: On the record at
24 3:31, Eastern Time.

25 BY MS. COLE:

1 Huet

2 Q. I just want to go back to the last
3 question. I had asked whether you had ever
4 gone by the name Alex Merle, and you said "not
5 really."

6 A. You're right. I'm sorry. I
7 apologize for that. That's before I was
8 married, I did, it's my maiden name.

9 Q. What about Alexandra Merle, do you
10 ever go by that name?

11 A. Isn't that what you just asked me,
12 Alexandra, or did you say Alex?

13 Q. I said Alex the first time. Now,
14 I'm asking about your full name Alexandra.

15 A. That's my full name.

16 Q. Alexandra Merle?

17 A. Is my full maiden name.

18 Q. And do you still sometimes go by
19 your full maiden name?

20 A. Sometimes. I mean, occasionally,
21 just when I get lazy and don't feel like
22 writing out the Huet part.

23 Q. Okay. Do you go by Alex
24 Merle-Huet?

25 A. Yes, or Alexandra.

1 Huet

2 Q. Okay. So, either Alex Merle-Huet
3 or Alexandra Merle-Huet?

4 A. Yes.

5 Q. Have you ever referred to Floyd
6 Landis as your partner?

7 A. I don't recall.

8 Q. Do you know if Mr. Landis has
9 referred to you publicly as his partner?

10 A. I don't know.

11 Q. What is your daughter's full name?

12 A. Margaret Landis.

13 Q. Do you consider Floyd Landis to be
14 her father?

15 A. I -- previous -- same answer to the
16 same question previously, which is I don't
17 know, one can't know for sure.

18 Q. But she goes by his last name; is
19 that correct?

20 A. They have the same last name.

21 Q. I am going to show you what -- and
22 I'm going to skip ahead in exhibit numbers for
23 just a few minutes. So, I'm going to show you
24 an exhibit marked as Defendants' Exhibit 26.

25 (Exhibit 26 was so marked for

1 Huet

2 identification.)

3 THE WITNESS: Okay.

4 BY MS. COLE:

5 Q. And I'll represent to you that this
6 is a printout from the FloydsofLeadville.com
7 website from today at 12:24 p.m., and I would
8 ask that you go to the fourth page of this
9 document.

10 A. Okay.

11 Q. Is that a picture of you?

12 A. Yes.

13 Q. Are you aware that there is a
14 picture of you currently on the Floyd's of
15 Leadville website?

16 A. Nope.

17 Q. Do you recall having this picture
18 made?

19 A. No.

20 Q. Can you tell me what is in the
21 background behind you?

22 A. Just -- I'm not sure what's
23 there --

24 Q. Is that the Floyd's of Leadville
25 logo?

Huet

A. I don't know what their logo is.

Q. This says, "Alexandra Merle is the president and COO of Floyd's of Leadville." Are you the president and COO of Floyd's of Leadville?

A. Nope.

Q. Have you ever been the president and COO of Floyd's of Leadville?

A. Unsure.

Q. Unsure or you are sure?

A. Unsure, not sure.

Q. It says here that "Alex draws from her extensive operations experience and deep knowledge of financial market from various roles at the Federal Reserve over a 14-year span."

Is that a true statement?

A. I don't know. I didn't write it.

Q. Do you have extensive operations experience and deep knowledge of financial markets?

A. I don't know. Different people have different interpretations. I don't know.

Q. Did you work at the Federal Reserve

1 Huet

2 over a 14-year span?

3 A. I worked at the Federal Reserve
4 Bank of New York.

5 Q. The next sentence says, "Not only
6 does she manage the short and long-term
7 business operations of Floyd's of Leadville,
8 she also oversees product development, HR,
9 farming operations, retail accounts and
10 marketing strategies."

11 Is that a true statement?

12 A. I don't know. I didn't write this.

13 Q. Do you manage the short and
14 long-term business operations of Floyd's of
15 Leadville?

16 A. No, not that I'm aware of as of
17 right now.

18 Q. Have you ever managed the short and
19 long-term business operations of Floyd's of
20 Leadville?

21 A. I'm not sure. I don't recall.

22 Q. Have you ever done any kind of work
23 with Floyd's of Leadville?

24 A. I don't -- I don't recall.

25 Q. And it also says, "She oversees

1 Huet
2 product development." Do you oversee product
3 development at Floyd's of Leadville?

4 A. No.

5 Q. Have you ever overseen product
6 development at Floyd's of Leadville?

7 A. Not that I can recall.

8 Q. It also says that you oversee HR.
9 Do you oversee HR at Floyd's of Leadville?

10 A. No.

11 Q. Have you ever overseen HR at
12 Floyd's of Leadville?

13 A. Not that I can recall.

14 Q. It says here also that you oversee
15 farming operations and retail accounts.

16 Do you oversee farming operations and
17 retail accounts?

18 A. No.

19 Q. Have you ever overseen farming
20 operations and retail accounts?

21 A. Not that I can recall.

22 Q. And finally, it says in this
23 sentence, "She also oversees marketing
24 strategies." Do you oversee the marketing
25 strategies for Floyd's of Leadville?

1 Huet

2 A. No.

3 Q. Have you ever overseen the
4 marketing strategies for Floyd's of Leadville?

5 A. Not that I can recall.

6 Q. And then the last sentence here
7 states, "In fact, there isn't any operational
8 component of the company that she doesn't
9 touch."

10 Is that a true statement?

11 A. I don't know. I didn't write it.

12 Q. I didn't ask whether you wrote it.
13 I asked whether it's true?

14 A. I don't know. I mean, no.

15 Q. It's not true?

16 A. Not that I'm aware of, no. Not
17 true.

18 Q. It's not true. Okay. Have you
19 ever -- had there ever been a time where you
20 oversaw all operational components of the
21 company?

22 A. Unsure.

23 Q. Is your dog in the room, still?

24 A. He is.

25 Q. Okay. I was trying to figure out

1 Huet

2 what that noise was.

3 Am I to understand that it's your
4 testimony that because you didn't write this
5 paragraph, that you don't know whether the
6 information in it is true and accurate?

7 MR. VEDRA: Objection to form.

8 THE WITNESS: It is my testimony
9 that I don't know what this is and I
10 don't recall any of this information.

11 BY MS. COLE:

12 Q. Have you ever been on the website
13 for Floyd's of Leadville?

14 A. I don't remember. I don't know.

15 Q. Have you ever authorize anyone to
16 put your picture and information about you on
17 the Floyd's of Leadville website?

18 A. I'm unsure.

19 Q. I'm going to show you a document
20 that I have marked as Defendants' Exhibit 27.

21 (Exhibit 27 was so marked for
22 identification.)

23 BY MS. COLE:

24 Q. Do you recognize this as a printout
25 from your LinkedIn page?

1 Huet

2 A. I'm not sure.

3 Q. Do you have a LinkedIn page?

4 A. I'm not sure.

5 Q. You're not sure whether you have a
6 profile in LinkedIn?

7 A. I haven't checked it recently. I
8 don't know.

9 Q. Who would have created this if you
10 did not create this?

11 A. I don't know.

12 Q. Well, let's go through it and see
13 if the information in there is something that
14 you can testify about.

15 MR. VEDRA: How is this relevant?

16 MS. COLE: I'm sorry?

17 MR. VEDRA: I object to any
18 questions about her LinkedIn profile. I
19 don't know how this is relevant to --

20 THE WITNESS: It's a little creepy
21 that you're stalking me on LinkedIn in
22 the middle of the deposition. But I'll
23 answer questions, whatever, I mean.

24 MS. COLE: Well, relevance is not a
25 proper objection, Mr. Vedra. She has not

Huet

been able to testify about her employment history, she says that she's not sure of whether she's even employed. These LinkedIn pages are social media, it's a public website, people often refer to it to find out background information about people in litigation, and so I'm going to ask you questions about this.

BY MS. COLE:

Q. Are you the chief of staff and head of GMA strategy at BMP Paribas?

A. I'm unsure.

Q. Were you previously the chief of staff to the market group at the Federal Reserve Bank of New York?

A. I was.

Q. It says here, "Alex is also cofounder of Floyd's of Leadville, a CBD product start-up company when she worked as chief operating officer from 2018 to 2020."

Is that correct?

A. I'm not sure.

Q. Are you the cofounder of Floyd's of Leadville?

1 Huet

2 A. I don't know.

3 Q. When you say you don't know, what
4 does that mean?

5 A. That I do not know.

6 Q. Have you cofounded any company?

7 A. I don't know.

8 Q. Have you ever created a LinkedIn
9 profile?

10 A. I don't recall.

11 Q. Do you have any reason to believe
12 this is not you're LinkedIn profile?

13 A. I don't know. I can't verify it.

14 Q. Did you have any involvement in the
15 creation of Floyd's of Leadville?

16 A. I'm unsure.

17 Q. This says that, "She was an advisor
18 to the head of the market group in the
19 implementation of monetary policy as directed
20 by the Federal Reserve market committee."

21 Is that true?

22 A. I'm unsure.

23 Q. Did you lead the market group
24 strategy for the Federal Reserve security
25 portfolio?

1 Huet

2 A. I don't recall.

3 Q. Did you support the management of
4 the Federal Reserve security portfolio?

5 A. I don't know.

6 Q. This also says, "Alex played an
7 important role in the development and
8 implementation of the Federal Reserve actions
9 and response to the COVID-19 pandemic."

10 Is that an accurate statement?

11 A. I'm unsure.

12 Q. Did you play any role in the
13 development and implementation of the Federal
14 Reserve action in response to the COVID-19
15 pandemic?

16 A. I don't recall.

17 Q. It says, "-- helping to design and
18 manage several facilities to support market
19 functioning and -- household business centers."

20 Is that an accurate statement?

21 A. I don't know.

22 Q. Is there anything on this LinkedIn
23 profile that you can say specifically that you
24 did not write?

25 A. I'm unsure.

Huet

Q. Is there any reason to believe that you did not write anything on this document?

A. I don't know.

Q. Did you begin working at the Federal Reserve Bank of New York in 2004?

A. (Unclear.)

Q. Did you serve in various roles while you were employed with the Federal Reserve Bank of New York?

A. I don't recall.

Q. Did you start in bank supervision?

A. I don't know. I don't recall.

Q. At some point did you transfer to the office of the president under Timothy Geisner at --

A. I don't remember.

Q. Did you oversee a portfolio from Bear Stearns after the financial crisis in the special investment management group?

A. I don't recall.

Q. Did you work in payment policy focusing on domestic and international payment issues?

A. I don't recall.

1 Huet

2 Q. It says here that, "Prior to
3 joining the Federal Reserve, Alex worked as a
4 counsel on foreign relations."

5 Is that an accurate statement?

6 A. I don't know.

7 Q. Did you work as a counsel on
8 foreign relations?

9 A. I don't recall.

10 Q. It says that, "Alex holds a
11 bachelor's degree from Georgetown University."

12 Is that an accurate statement?

13 MR. VEDRA: Objection; asked and
14 answered.

15 MS. COLE: I asked her if she had a
16 degree. I have not asked her whether or
17 not this statement on this document is
18 correct.

19 You may go ahead and answer.

20 THE WITNESS: So, what is the
21 question?

22 BY MS. COLE:

23 Q. It says here, "Alex holds a
24 bachelor's degree from Georgetown University."

25 Is that an accurate statement?

1 Huet

2 A. Can you repeat that?

3 Q. "Alex holds a bachelor's degree
4 from Georgetown University."

5 Is this an accurate statement?

6 A. So, I hold bachelor's degree from
7 Georgetown.

8 Q. So, that is an accurate statement;
9 correct?

10 A. I'm not sure where you're reading
11 from, so I don't feel comfortable saying you're
12 reading from an accurate statement, but I did
13 go to Georgetown.

14 Q. Well, take a look at the exhibit
15 that's in front of you --

16 A. Yeah, I don't feel comfortable
17 trusting whatever you're putting in front of
18 me, but if that's what you're reading from, I
19 did go to Georgetown, yes.

20 Q. Well, you said you didn't know what
21 I was reading from, I'm explaining to you what
22 I was reading from. This LinkedIn profile has
23 your name on it, it also states that, "Alex
24 holds a master's in international affairs from
25 Columbia University."

1 Huet

2 Is that an accurate statement?

3 A. I hold a master's from Columbia
4 University School of International Public
5 Affairs.

6 Q. I'm going to show you a document
7 that I have marked as Defendants' Exhibit 28.

8 (Exhibit 28 was so marked for
9 identification.)

10 BY MS. COLE:

11 Q. If you could take a minute to look
12 at this document and tell me if you recognize
13 it.

14 A. No, I do not.

15 Q. Do you see at the bottom of the
16 page, there's a yellow exhibit sticker that
17 says "DEF-28"?

18 A. Yes.

19 Q. And then below that, it says,
20 "Redemption_CNF_subpoena_002914."

21 Do you see that?

22 A. Yes, I see that.

23 Q. And then under that, do you see a
24 text that reads, "FOL-SDNY11034"?

25 Do you see that?

1 Huet

2 A. I do see that.

3 Q. I'm going to represent to you that
4 these are Bates numbers that were applied by
5 the plaintiff in this case, Floyd's of
6 Leadville, when they produced this document in
7 discovery.

8 MR. VEDRA: Objection to form. You
9 may not take that representation,
10 Ms. Merle-Huet.

11 MS. COLE: I'm sorry, why not?

12 MR. VEDRA: Because Redemption --
13 was not applied by the plaintiff in this
14 case.

15 MS. COLE: Was FOL-SDNY11034?

16 MR. VEDRA: I'm not the witness.

17 MS. COLE: Well, you're inserting an
18 objection advising her and advising me
19 that this was not the Bates number that
20 you assigned. So, now, I'm asking you to
21 confirm, did you assign FOL-SDNY11034?

22 MR. VEDRA: You misrepresented the
23 labelling, and that's what I was
24 correcting. I'm not here to answer your
25 questions.

1 Huet

2 MS. COLE: But you advised her not
3 to take my representation.

4 MR. VEDRA: I did, because it was
5 wrong.

6 MS. COLE: We're going to go off the
7 record for a minute. We'll take a
8 five-minute break.

9 THE VIDEOGRAPHER: Off the record at
10 3:50 p.m., Eastern Time.

11 (Recess taken.)

12 THE VIDEOGRAPHER: On the record at
13 3:58 p.m., Eastern Time.

14 BY MS. COLE:

15 Q. Okay. Ms. Merle-Huet, this is a
16 document with the Bates number FOL-SDNY11034.
17 It was produced by the plaintiff in this case
18 in discovery. I marked it as Defendants'
19 Exhibit 28. At the top of this document, it
20 states that it's a message from Peter DiChiara
21 sent on April 22nd, 2019 to
22 Floyd@FloydsofLeadville.com,
23 FrankDiMartini@AlexanderCapital.com and
24 AlexandraMerle@FloydsofLeadville.com.

25 Do you recognize this document?

1 Huet

2 A. No.

3 Q. Did you receive this document?

4 A. I have no idea. I don't know.

5 Q. You don't recall receiving an
6 e-mail from Peter DiChiara on April 22nd, 2019
7 in regards to FOL interest?

8 A. No, I do not.

9 Q. Is there any reason why you would
10 not have received this e-mail at your
11 Alex@FloydsofLeadville.com e-mail address?

12 A. I don't know.

13 (Discussion off the record.)

14 BY MS. COLE:

15 Q. I want to show you a document that
16 I've marked as Defendants' Exhibit 29.

17 (Exhibit 29 was so marked for
18 identification.)

19 BY MS. COLE:

20 Q. If you look at the bottom of this
21 document in the left-hand corner, you will see
22 an exhibit sticker, and under that, you'll see
23 some text, it says FOLSDNY01549. This was a
24 document produced by the plaintiff in this
25 case, Floyd's of Leadville, Inc. in discovery.

1 Huet

2 Do you recognize this document?

3 A. No.

4 Q. Have you seen a similar document
5 before?

6 A. No.

7 Q. Do you recognize this logo of
8 Floyd's of Leadville at the top of the page?

9 A. I'm unsure.

10 Q. Have you ever seen this logo
11 before?

12 A. Not that I can recall.

13 Q. Could you please take a look at
14 page 3 of this exhibit.

15 A. Okay.

16 Q. At the top, it says, "Management
17 team."

18 Do you see that?

19 A. I do.

20 Q. And it identifies Floyd Landis as
21 founder and chief executive officer. And then
22 the fourth name down, is that your name,
23 Alexandra Merle-Huet?

24 A. Yes.

25 Q. Did you authorize anyone no

1 Huet

2 identify you as part of the Lloyd's of
3 Leadville management team on the marketing
4 deck?

5 A. I don't recall.

6 Q. Do you have any objection of being
7 identified as a member of the Floyd's of
8 Leadville management team on this marketing
9 deck?

10 A. I don't work there.

11 Q. Have you ever worked there?

12 A. I'm not sure.

13 Q. So, you're sure you don't work
14 there now, but you're not sure whether you
15 worked there previously?

16 A. Yes.

17 Q. I'm going to show you a document
18 that I have marked as Defendants' Exhibit 30.

19 (Exhibit 30 was so marked for
20 identification.)

21 BY MS. COLE:

22 Q. Do you see the document on your
23 screen?

24 A. Yes.

25 Q. And it looks the last document we

1 Huet
2 were just looking at. At the bottom, it has an
3 exhibit sticker, which is DEF-30, and then
4 below that, there's a Bates number
5 FOLSDNY01781, and that's the Bates number on
6 the document that was produced by the plaintiff
7 Floyd's of Leadville, Inc. in discovery in this
8 case. I would like to direct you to page 3 of
9 this document.

10 Are you looking at page 3?

11 A. Yes.

12 Q. And at the top, it says,
13 "Management Team"; is that right?

14 A. Yes.

15 Q. And then the fourth name down, is
16 that your name Alexandra Merle-Huet?

17 A. Yes.

18 Q. And besides your name, what does it
19 say?

20 A. "Senior advisor."

21 Q. Are you the senior advisor to
22 Floyd's of Leadville?

23 A. No.

24 Q. Have you ever been a senior advisor
25 to Floyd's of Leadville?

1 Huet

2 A. Not that I can recall.

3 Q. Did you authorize anyone to
4 identify you as the senior advisor for Floyd's
5 of Leadville on this marketing deck?

6 A. I don't recall.

7 Q. Do you have any objection of being
8 identified as the senior advisor to Floyd's of
9 Leadville on this marketing deck?

10 A. I don't understand the question.

11 Q. Well, you say that you don't
12 remember whether you were a senior advisor; is
13 that correct?

14 A. Correct.

15 Q. And you say you're not currently
16 the senior advisor; is that correct?

17 A. Correct.

18 Q. So, if you don't remember if you've
19 ever served in that capacity, do you have any
20 objection to being identified as serving in
21 that capacity on the marketing deck that was
22 used by Floyd's of Leadville?

23 A. I have objections to false
24 information being conveyed by anyone, but I
25 don't know how this was used, I don't know what

1 Huet

2 this document is. So, I don't know. I
3 can't -- I don't know how to answer the
4 question.

5 Q. Is this false information, that
6 Alexandra Merle-Huet is senior advisor to
7 Floyd's of Leadville?

8 A. For when?

9 Q. For any time.

10 A. It's false information as far as
11 I'm aware now. And in the past, I don't know,
12 it could be.

13 Q. So, it could be false?

14 A. I don't know.

15 Q. Could it be accurate?

16 A. Maybe. I don't know.

17 Q. Have you ever seen copies of any
18 subscription document in connection with a
19 capital raise by Floyd's of Leadville,
20 Incorporated?

21 MR. VEDRA: Objection; foundation.

22 THE WITNESS: Am I supposed to
23 answer that or --

24 BY MS. COLE:

25 Q. You may still answer the question.

1 Huet

2 A. Not that I recall.

3 Q. I'm going to show you a document
4 that I've marked as Defendants' Exhibit 10.

5 (Exhibit 10 was so marked for
6 identification.)

7 BY MS. COLE:

8 Q. Before I proceed with any other
9 question, I've been informed that you have a
10 hard stop at 5:00 p.m. today; is that correct?

11 A. Yes.

12 Q. I just wanted to make sure.

13 Can you see the document that's marked
14 with an exhibit sticker of Defendants' Exhibit
15 10 on your screen?

16 A. Yes.

17 Q. Do you recognize the document
18 marked as Defendants' Exhibit 10?

19 A. No.

20 Q. Do you have any recollection of
21 receiving an e-mail from
22 JonathanGazdak@AlexanderCapital on October
23 11th, 2019, with the subject matter, "Access
24 Clearing Attestation"?

25 A. No.

1 Huet

2 Q. Do you have any reason to believe
3 that you did not receive this e-mail from
4 Jonathan Gazdak?

5 A. Unsure.

6 Q. And to be clear, it is an e-mail
7 addressed to Michelle Misiti, Alex Merle-Huet
8 with the address
9 Alex.Merle@FloydsofLeadville.com, and
10 FloydLandis@FloydsofLeadville.com.

11 In October of 2019, did you use an
12 e-mail address Alex.Merl@FloydsofLeadville.com?

13 A. I do not recall that.

14 Q. Did you use any e-mail associated
15 with FloydsofLeadville.com in October of 2019?

16 A. I don't recall.

17 Q. Could you go to page 5 of this
18 exhibit, please.

19 A. Okay.

20 Q. Do you recognize this document
21 that's attached to the e-mail that we were just
22 looking at?

23 A. No.

24 Q. Have you ever written any checks on
25 behalf of Floyd's of Leadville to John R.

1 Huet

2 DiMartini?

3 A. I don't recall that.

4 Q. Have you ever written a check on
5 behalf of Floyd's of Leadville to JJB-FLA LLP?

6 A. I don't recall.

7 Q. Have you ever written a check on
8 behalf of Floyd's of Leadville to Francesca
9 DiFrancesco?

10 A. I do not recall that.

11 Q. Have you ever written a check on
12 behalf of Floyd's of Leadville to Giovanni
13 Frank?

14 A. I don't recall that.

15 Q. Have you ever written a check on
16 behalf of Floyd's of Leadville to Greg Hurley?

17 A. I don't recall that.

18 Q. Have you ever written a check on
19 behalf of Floyd's of Leadville to John Burgess?

20 A. I don't recall.

21 Q. Have you ever written a check on
22 behalf of Floyd's of Leadville to Sylvester
23 Willis?

24 A. I don't recall.

25 Q. Have you ever written a check on

1 Huet
2 behalf of Floyd's of Leadville issued to Gary
3 Grella?

4 A. I don't recall.

5 Q. Do you know who was in charge of
6 issuing checks on behalf of Floyd's of
7 Leadville?

8 A. No, I don't recall.

9 Q. Have you ever known anyone who was
10 authorized to issue checks on behalf of Floyd's
11 of Leadville?

12 A. I'm unsure.

13 Q. I'm going to show you a document
14 that I have marked as Defendants' Exhibit 12.

15 (Exhibit 12 was so marked for
16 identification.)

17 BY MS. COLE:

18 Q. Do you see the document that I've
19 marked as Defendants' Exhibit 12 on your
20 screen?

21 A. Yes.

22 Q. Do you recognize this document
23 marked as Exhibit 12, Defendants' Exhibit 12?

24 A. No.

25 Q. According to the document, it was

1 Huet
2 sent by Peter DiChiara to Frank DiMartini, and
3 then CCed to Alex Merle-Huet at
4 Alex.Merle@FloydsofLeadville.com.

5 Do you see that at the top of the
6 page?

7 A. That's what it says at top of the
8 page, yeah.

9 Q. Do you recall receiving this e-mail
10 in March of 2019?

11 A. I do not.

12 Q. Do you have any reason to believe
13 that you would not have received this e-mail
14 from Peter DiChiara on March 11th, 2019?

15 A. I'm unsure.

16 Q. And the subject of the e-mail says,
17 "Floyd's 12 percent senior secured promissory
18 note." Are you familiar with the Floyd's 12
19 percent senior secured promissory note?

20 A. No.

21 Q. It also states there's an
22 attachment entitled, "Security Interest
23 Schedule."

24 Do you recall ever seeing security
25 interest schedules for the Floyd's 12 percent

1 Huet

2 senior secured promissory note?

3 A. I do not.

4 Q. If you could take a look at page 4
5 of this document?

6 A. Okay.

7 Q. And at the top, do you see it says,
8 "Schedule A"?

9 A. Yes.

10 Q. Do you recognize this document?

11 A. I do not.

12 Q. Is it possible you've seen this
13 document before?

14 A. I don't know.

15 Q. Do you recognize the names of the
16 entities numbered 1 through 5 on this page?

17 A. I do not.

18 Q. You don't recognize Floyd's of
19 Leadville at 113 East 7th Street, Leadville,
20 Colorado?

21 A. I'm unsure.

22 Q. Have you ever heard of BTE Reed,
23 LLC?

24 A. Unsure.

25 Q. What about BTE2, LLC? Have you

1 Huet

2 heard of that?

3 A. Unsure.

4 Q. -- Broadway, have you ever heard of
5 that?

6 A. I'm unsure.

7 Q. And then Floyd's of Leadville at 25
8 Reynolds Road in -- Colorado. Have you heard
9 of that?

10 A. I'm unsure.

11 Q. Going to the last page, page 7, it
12 just says "Schedule H" at the top.

13 Do you see that?

14 A. Yes.

15 Q. And it says here, "Subsidiary, FOL
16 LLC." Are you familiar with that entity, FOL
17 LLC?

18 A. No.

19 Q. I'm going to show you a document
20 that I've marked Defendants' Exhibit 13.

21 (Defendants' Exhibit 13 was marked.)

22 BY MS. COLE:

23 Q. When you have that on your screen,
24 let me know.

25 A. Okay.

1 Huet

2 Q. According to the document, it says
3 that it's from Alexandra Merle with an e-mail
4 address Alex@FloydsofLeadville.com, sent on
5 Monday, March 4th, 2019, to
6 FrankDiMartini@AlexanderCapital, with the
7 subject, "Follow-up."

8 Do you recall sending an e-mail to
9 FrankDiMartini@AlexanderCapital from this
10 e-mail address on March 4th, 2019?

11 A. I don't.

12 Q. Do you have any reason to believe
13 you did not send this e-mail to Frank DiMartini
14 on March 4th, 2019?

15 A. I'm not sure.

16 Q. The e-mail says, "Frank, here are
17 some of the documents we discussed."

18 Do you recall speaking to Frank
19 DiMartini about documents?

20 A. I don't recall.

21 Q. It references, "Our updated
22 investor deck." Do you remember talking to
23 Frank DiMartini about an updated investor deck?

24 A. No.

25 Q. Number 2 discusses term sheets for

1 Huet

2 the isolate manufacturing that was sent to
3 Barrie. Do you recall talking to Frank
4 DiMartini about term sheets for the isolate
5 manufacturing that was sent to Barrie?

6 A. I don't recall.

7 Q. I'm going to show you a document
8 that I've marked as Defendants' Exhibit 14.

9 (Exhibit 14 was so marked for
10 identification.)

11 BY MS. COLE:

12 Q. Do you recognize the document
13 marked as Defendants' Exhibit 14?

14 A. No, I do not.

15 Q. So, it says at the top that it's
16 from Alexandra Merle at the address
17 Alex@FloydsofLeadville.com on March 5th, 2019,
18 sent to Frank DiMartini, with the subject "FOL
19 deck," and an attachment "Floyd's of Leadville
20 3.19."

21 Do you remember sending an e-mail --
22 this e-mail to Frank DiMartini?

23 A. I do not.

24 Q. Do you have any reason to believe
25 you did not send this e-mail to Frank DiMartini

1 Huet

2 on March 5th, 2019?

3 A. I'm unsure.

4 Q. Can you take a look at page 2,
5 please?

6 A. Okay.

7 Q. And this is the deck that's
8 attached to the e-mail you were just looking
9 at.

10 Do you recognize this deck?

11 A. No, I do not.

12 Q. Do you have any reason to believe
13 you did not send this deck to Frank DiMartini
14 on March 5th, 2019?

15 A. I don't know.

16 Q. You don't know of a reason that you
17 would not have sent this to him?

18 A. I'm unsure.

19 Q. I'm going to show you a document
20 I've marked as Defendants' Exhibit 15.

21 (Exhibit 15 was so marked for
22 identification.)

23 THE WITNESS: Okay.

24 BY MS. COLE:

25 Q. Taking a look at this document, do

1 Huet
2 you recognize the document marked as Exhibit
3 15?

4 A. I do not.

5 Q. It says here at the top that it's
6 from Alexandra Merle at -- with the address
7 Alex@FloydsofLeadville.com, it was sent on
8 March 15th, 2019 to Frank DiMartini, copied to
9 Chris@FloydsofLeadville.com, the subject is
10 "FOL Revenue."

11 Do you recall sending this e-mail to
12 Frank DiMartini on March 15th, 2019?

13 A. No, I do not.

14 Q. Do you have any reason to believe
15 that you did not send this e-mail to Frank
16 DiMartini on March 15th, 2019?

17 A. I'm unsure.

18 Q. I may have asked you this before,
19 if I did, I apologize for repeating myself. Do
20 you know a person by the name of Frank
21 DiMartini?

22 A. I don't recall.

23 Q. Have you ever recorded any
24 conversations with Frank DiMartini?

25 A. Possibly.

1 Huet

2 Q. When would those conversations have
3 taken place?

4 A. I don't know. I'd have to go back
5 and look.

6 Q. Where would you look?

7 A. Through my phone.

8 Q. So, you would have -- any recorded
9 conversations with Mr. DiMartini would be on
10 your phone right now?

11 A. Maybe. I'd have to look.

12 Q. How long would it take you to look
13 for those recordings?

14 A. I don't know.

15 Q. When you say possibly -- that you
16 have -- that you possibly have recordings of
17 conversations with Frank DiMartini, was there a
18 reason you're not sure?

19 A. Because I'm being asked without
20 being able to look through my records or verify
21 anything, so I want to be truthful and honest
22 and say that I'm not sure.

23 Q. Do you regularly record your
24 conversations with people?

25 A. Not unless I need to.

1 Huet

2 Q. Do you recall needing to record a
3 conversation with Frank DiMartini?

4 A. Maybe. I'm unsure.

5 Q. Have you ever looked for recordings
6 of conversations with Frank DiMartini
7 previously in conjunction with this lawsuit?

8 A. I don't recall.

9 Q. Have you ever been asked to search
10 for conversations on your phone that you
11 recorded in connection with this lawsuit?

12 A. I don't recall.

13 Q. Do you mind taking a five-minute
14 break and looking on your phone to see if you
15 have -- you, in fact, have recorded
16 conversations with Mr. DiMartini on your phone?

17 A. I can check, but I might not find
18 anything. I don't know.

19 Q. Okay. Well, if you will check, I
20 would appreciate it.

21 A. Okay.

22 MS. COLE: So, let's take five
23 minutes for you to check on your phone.
24 We're going off the record for five
25 minutes.

1 Huet

2 THE VIDEOGRAPHER: Off the record at
3 4:22 p.m., Eastern Time.

4 (Recess taken.)

5 THE VIDEOGRAPHER: On the record at
6 4:30 p.m., Eastern Time.

7 BY MS. COLE:

8 Q. And, Ms. Merle-Huet, I appreciate
9 you taking a break and checking your phone. Do
10 you locate any recordings of conversations with
11 Frank DiMartini?

12 A. So, I looked through my voice
13 recordings on my iPhone and I found some
14 recordings with the title of the person that
15 you had mentioned earlier.

16 Q. Frank DiMartini?

17 A. I have Frank and Frank DiMartini.

18 Q. Are those recorded conversations
19 dated on your phone?

20 A. Yes.

21 Q. Can you provide me with the dates?

22 A. Well, yeah. I just want to make
23 sure my lawyer --

24 THE WITNESS: Dan?

25 MR. VEDRA: Yes.

1 Huet

2 THE WITNESS: Can I do that?

3 MR. VEDRA: Yes, that's fine. I
4 think all of these have already been
5 provided to Alexander Capital in
6 discovery, so.

7 THE WITNESS: Okay. All right. I
8 have Frank on COIL, December 21, 2018. I
9 have Frank COIL, January 1, 2019. I have
10 Tim and Frank, May 23rd, 2019.

11 BY MS. COLE:

12 Q. Can you repeat that date? I'm
13 sorry.

14 A. May 23, 2019. I have Frank D,
15 January 16, 2020. Frank DiMartini, January
16 16th, 2020. And then I have Frank D, 2/19 RE
17 Leonard going to Wasatch, February 19th, 2020.
18 I'm not sure what these are, I don't know, but
19 there's AC meetings, number 1 and number 2,
20 which seems to be quite long.

21 Then there's Gazdak follow-up on
22 meetings. Here's Frank DiMartini, March 26th,
23 2020. And that's it.

24 Q. So, you recorded these
25 conversations on your voice recorder on your

1 Huet

2 iPhone; is that correct?

3 A. I must have, yes.

4 Q. So, you were present at a meeting
5 or on a conversation with Frank DiMartini on
6 12/21/2018?

7 A. Well, I don't recall.

8 Q. You have a recorded conversation
9 that you just testified that you recorded on
10 your iPhone, so --

11 A. Well, it's a recorded conversation
12 on my iPhone, you know. I have to like look at
13 the metadata and I don't know really any of the
14 details like who is there --

15 (Talking over each other.)

16 Q. Were you there?

17 A. I mean, I don't recall being there.

18 Q. Is there a way that you could have
19 recorded it on your phone if you weren't
20 present?

21 A. I'm not sure. I mean, if I -- if
22 it's on my phone, then I must have recorded it.
23 But again, I don't recall the meeting, so I
24 just want to be very precise. I don't want to
25 get in trouble. But it would be weird if I had

1 Huet

2 it on my phone and I didn't record it.

3 Q. Well, I understand you recorded it.
4 I'm just trying to get an understanding of your
5 presence at the meeting if it was in-person, or
6 on a conversation if it was on the telephone.

7 A. I assume I was there.

8 Q. So, would you also say you were
9 present on January 1st, 2019 at a meeting or on
10 a phone call with Frank DiMartini regarding
11 COIL?

12 A. It appears so.

13 Q. Do you know what COIL is? What did
14 you mean by COIL?

15 A. I don't recall. It's just when I
16 looked at the title of the recording, it's
17 C-O-I-L in all caps, so it must be an acronym,
18 but I don't know. I don't remember what it
19 was.

20 Q. And then do you also assume you
21 were present at a meeting or on a phone call
22 with Tim and Frank on May 23rd, 2019?

23 A. It appears so.

24 Q. And who is Tim?

25 A. I don't -- I'm not sure. I'd have

1 Huet

2 to -- I don't remember.

3 Q. I'm sorry, I didn't mean to
4 interrupt you. Tim Kelly?

5 A. It could be, but I don't recall.

6 Q. Do you assume you were also present
7 at a meeting or on a conversation with Frank
8 DiMartini on January 16th, 2020?

9 A. I -- based on the recording, I
10 assume so. But I don't remember it.

11 Q. And same would be true for each of
12 these recordings that you've listed; right,
13 that you don't recall being present, but you
14 think you were?

15 A. Correct.

16 Q. On the call that's recorded on
17 February 19th, 2020, it says regarding Leonard
18 going to Wasatch, is that what you said,
19 Wasatch?

20 A. Let me go back and look. Yes. I
21 have it down as Leonard going to W-A-S-A-T-C-H.

22 Q. Do you know what Wasatch is?

23 A. I don't remember.

24 Q. Do you know who Leonard is?

25 A. I don't remember.

1 Huet

2 Q. Could it be Mark Leonard?

3 A. Possibly.

4 Q. And then you also mentioned that
5 you had a recorded conversation or meeting with
6 Gazdak follow-up on meeting, I think you said
7 March 26th, 2020?

8 A. 25 -- no. Gazdak follow-up on
9 meeting is February 25, 2020.

10 Q. Okay. Thank you. Who is Gazdak?

11 A. I don't recall.

12 Q. Is it Jonathan Gazdak with
13 Alexander Capital?

14 A. Could be.

15 Q. And then you mentioned there was
16 two recordings, I think you said, AC meeting
17 number 1 and meeting number 2, is that two
18 separate recordings?

19 A. Yes.

20 Q. February 5th; right?

21 A. February 5th, 2020.

22 Q. Both of them on February 5th?

23 A. Yes, that's what it looks like,
24 yeah.

25 Q. And AC meeting, is that a reference

1 Huet

2 to Alexander Capital?

3 A. I don't -- I'm not sure.

4 Q. Do you recall attending a meeting
5 at Alexander Capital's offices in New York in
6 February of 2020?

7 A. I don't recall.

8 Q. But you recorded the conversation
9 or the meeting, so to the best of your
10 knowledge, you would have been present;
11 correct?

12 A. It appears so.

13 Q. Have you been asked to search for
14 any text messages related to Mr. DiMartini,
15 Mr. Gazdak, Mr. Leonard, Tim or anything
16 related to this lawsuit?

17 MR. VEDRA: Objection to form.

18 THE WITNESS: I don't recall.

19 BY MS. COLE:

20 Q. Earlier, I think you said you
21 didn't remember, you were unsure if you knew
22 Frank DiMartini. Having looked through
23 these -- your phone for whether or not you have
24 these voice recordings, does that refresh your
25 recollection whether you know or have met or

1 Huet

2 have spoken with Frank DiMartini?

3 A. No, not really.

4 Q. Looking back at Defendants' Exhibit
5 15, do you still have that on your screen?

6 A. I do.

7 Q. And if I asked you this, if I'm
8 repeating myself, I do apologize, but do you
9 recognize this document marked as Exhibit 15?

10 A. I do not.

11 Q. As you sit here today, can you
12 think of any reason why you would not have sent
13 this e-mail to Frank DiMartini on March 15th,
14 2019?

15 A. I'm unsure.

16 Q. Do you remember ever sending any
17 e-mails to Frank DiMartini?

18 A. No, I don't recall.

19 Q. Have you ever been employed by
20 Valued, Inc.?

21 A. I don't recall.

22 Q. Have you ever been employed by
23 Floyd's Fine Cannabis?

24 A. Not that I'm aware of.

25 Q. Have you ever done any work for

1 Huet

2 Floyd's Fine Cannabis?

3 A. I don't remember.

4 Q. Have you ever done any work for
5 Valued, Incorporated?

6 A. I don't recall.

7 Q. Do you recall whether you were
8 employed by any entity related to Valued,
9 Incorporated?

10 A. No.

11 MR. VEDRA: Objection to form.

12 BY MS. COLE:

13 Q. Do you recall if you were employed
14 by any entity related to Floyd's of Leadville?

15 MR. VEDRA: Objection to form.

16 THE WITNESS: No, I do not.

17 BY MS. COLE:

18 Q. Did you ever receive any money from
19 Floyd's of Leadville?

20 A. Unsure.

21 Q. Did you ever receive any stock from
22 Floyd's of Leadville?

23 A. I don't recall.

24 Q. Have you ever received anything of
25 value from Floyd's of Leadville?

1 Huet

2 A. I don't recall.

3 Q. Do you recall ever receiving any
4 1099 forms from Floyd's of Leadville?

5 A. I don't recall.

6 Q. Do you recall receiving any
7 distributions from Floyd's of Leadville?

8 A. I do not recall.

9 Q. I'm going to show you an exhibit --
10 another exhibit, it's a document I've marked as
11 Defendants' Exhibit 16.

12 (Exhibit 16 was so marked for
13 identification.)

14 BY MS. COLE:

15 Q. If you could just take a moment to
16 look at the document, and then tell me if you
17 recognize the document marked as Defendants'
18 Exhibit 16.

19 A. I don't.

20 Q. So, at the top, it states that it's
21 from Alexandra Merle with an address of
22 Alex@FloydsofLeadville.com. It's dated April
23 30th, 2019, sent to Frank DiMartini, copied to
24 Chris@FloydsofLeadville, with the subject,
25 "Cash Flow Update."

1 Huet

2 Do you have any reason to believe that
3 you did not send this e-mail?

4 A. I'm unsure.

5 Q. As you sit here today, can you
6 think of any reason why you would not have sent
7 this e-mail?

8 A. Yes.

9 Q. And what would that reason be?

10 A. I just didn't send it.

11 Q. So, do you think you didn't send
12 it?

13 A. I don't know if I did or didn't.

14 Q. Have you seen Floyd Landis today?

15 A. No.

16 Q. Have you spoken with Floyd Landis
17 today?

18 A. No.

19 Q. Has Floyd Landis been in your house
20 today?

21 A. Not that I'm aware of.

22 Q. Have you been in the same room as
23 Floyd Landis today?

24 A. No.

25 Q. Have you been in the same building

1 Huet

2 as Floyd Landis today?

3 A. No.

4 Q. I'm going to show you a document I
5 have marked as Defendants' Exhibit 17.

6 (Exhibit 17 was so marked for
7 identification.)

8 BY MS. COLE:

9 Q. Can you see the document on your
10 screen with exhibit sticker DEF-17?

11 A. Yes.

12 Q. Do you recognize this document?

13 A. No.

14 Q. You don't recall seeing it before?

15 A. I do not.

16 Q. At the top, it says it's from
17 Alexandra Merle with the e-mail address
18 Alex@FloydsofLeadville.com, sent on February
19 13th, 2020 to JonathanGazdak@AlexanderCapital,
20 Frank DiMartini, and then it's copied to --
21 @FloydsofLeadville, Chris@FloydsofLeadville,
22 Barrie Clapham. And the subject is,
23 "Follow-up."

24 And here it says, "Jonathan and Frank,
25 attached are two documents we discussed

1 Huet

2 providing -- our meeting last week."

3 Does this document refresh your
4 recollection whether you attended a meeting at
5 Alexander Capital's offices in February of
6 2020?

7 A. It does not.

8 Q. But you do have a recording of the
9 meeting from February 5th, 2020 on your iPhone;
10 correct?

11 A. Presumably.

12 Q. When you said "presumably," I
13 thought you just checked for it?

14 A. Yes.

15 Q. So, do you have the recording on
16 your phone?

17 A. That's -- yes, the recording seems
18 to be on my phone. Again, I haven't
19 triple-checked everything in the metadata or
20 anything, but yes.

21 Q. If you could take a look at the
22 second page?

23 A. Okay.

24 Q. Do you recognize this document?

25 A. No.

1 Huet

2 Q. It says, "Talking points for Frank
3 DiMartini," dated February 20th; is that
4 correct?

5 A. That's what it says on the paper,
6 yes.

7 Q. Take a look at page 5, please
8 (indicating).

9 A. Okay.

10 Q. And what does it say at the top of
11 this document?

12 A. "Valued, Inc. asset list at
13 2/5/2020."

14 Q. I'm going to show you a document
15 that I've marked as Defendants' Exhibit 17A.

16 (Exhibit 17A was so marked for
17 identification.)

18 BY MS. COLE:

19 Q. Do you see the document?

20 A. Yes.

21 Q. I'll represent to you that this is
22 the metadata for Defendants' Exhibit 17, the
23 attachment entitled, "Talking Points For
24 Frank." If you take a look, you will see --
25 so, under where the title states "metadata,"

1 Huet

2 there's a line that reads "production Bates
3 start," under that e-mail, it says -- under
4 that e-mail received, and then under that, it
5 says "document author." What does it say
6 besides "document author"?

7 MR. VEDRA: Objection; foundation.

8 THE WITNESS: Next to "author"?

9 BY MS. COLE:

10 Q. "Document author," what is the
11 words after the colon?

12 A. "Alex Merle."

13 Q. Did you create the document,
14 "Talking points for Frank"?

15 A. I do not recall.

16 Q. Do you have any reason to believe
17 you did not create the document entitled
18 "Talking points for Frank"?

19 A. I'm unsure.

20 Q. I'm going to show you a document
21 I've marked as Defendants' Exhibit 17B.

22 (Exhibit 17B was so marked for
23 identification.)

24 BY MS. COLE:

25 Q. And I'll represent to you that this

1 Huet
2 is the metadata for Defendants' Exhibit 17 for
3 the attachment asset list -- Valued, Inc. asset
4 list 2/20. And the same thing, if you see
5 there, the fourth topic down "Document Author,"
6 what does it say?

7 A. "Alex Merle."

8 Q. Did you create the document
9 entitled "Valued, Inc. Asset List 2.20"?

10 A. I don't recall.

11 Q. Do you have any reason to believe
12 you did not create the asset list?

13 A. I'm unsure.

14 Q. I want to show you a document
15 marked as Defendants' Exhibit 18.

16 (Exhibit 18 was so marked for
17 identification.)

18 THE WITNESS: Okay.

19 BY MS. COLE:

20 Q. And this is an e-mail from Jonathan
21 Gazdak, dated February 14th, 2020 to Frank
22 DiMartini and Alexandra Merle with the e-mail
23 address Alex@FloydsofLeadville.com.

24 Did you receive this e-mail?

25 A. I don't recall.

1 Huet

2 Q. Do you recognize this document?

3 A. I do not.

4 Q. Do you have any reason to believe
5 you did not receive this document, this e-mail?

6 A. I'm not sure.

7 Q. Were you employed with Floyd's of
8 Leadville on February 14th, 2020?

9 A. I don't recall.

10 Q. Is it possible you were employed
11 with Floyd's of Leadville on February 14th,
12 2020?

13 A. I don't know.

14 Q. I'm going to show you a document
15 I've marked as Defendants' Exhibit 19.

16 (Exhibit 19 was so marked for
17 identification.)

18 BY MS. COLE:

19 Q. Do you recognize the document
20 marked as Defendants' Exhibit 19?

21 A. I do.

22 Q. You do?

23 A. I see -- no, sorry. I see that it
24 says Defendant 19 on it.

25 Q. Do you recognize the document?

1 Huet

2 A. No, I do not.

3 Q. At the top, it states that it's
4 from Alexandra Merle with the e-mail address
5 Alex@FloydsofLeadville.com, that it was sent on
6 February 20th, 2020 to Jonathan Gazdak and
7 Chris@FloydsofLeadville.com, and the subject
8 is, "Follow-up on terms."

9 A. Okay.

10 Q. Do you have any reason to believe
11 you did not receive -- that you did not send
12 this e-mail to Jonathan Gazdak in February of
13 2020?

14 A. I'm unsure.

15 Q. As you look down at the e-mail
16 below the one that says that it's from
17 Alexandra Merle, there is an e-mail sent on
18 Thursday, February 20th, 2020, at 11:23 from
19 Jonathan Gazdak. He wrote, "Alex, I got a call
20 from Pete DiChiara over the weekend. Is he an
21 authorized contact again for Valued?"

22 Do you know Pete DiChiara?

23 A. I don't recall.

24 Q. Do you know if he was an authorized
25 contact for Valued, Inc.?

1 Huet

2 A. I don't.

3 Q. I'm going to show you a document
4 I've marked as Defendants' Exhibit 20.

5 (Exhibit 20 was so marked for
6 identification.)

7 BY MS. COLE:

8 Q. At the top, there's a phone sent to
9 and subject. Below that, I'd like you to look
10 at the one under that, it says "from Jonathan
11 Gazdak," sent Friday, February 21st, 2020 to
12 Chris@FloydsofLeadville and Alexandra Merle.

13 Do you recognize this document?

14 A. I do not.

15 Q. Did you receive an e-mail from
16 Jonathan Gazdak on Friday, February 21st, 2020,
17 with the subject, "Follow-up on terms"?

18 A. I don't remember.

19 Q. Sitting here today, can you think
20 of any reason why you would not have received
21 this e-mail?

22 A. I'm unsure.

23 Q. I'm going to show you a document
24 I've marked as Defendants' Exhibit 21.

25 (Exhibit 21 was so marked for

1 Huet

2 identification.)

3 BY MS. COLE:

4 Q. Take a look at the document and let
5 me know do you recognize this document that
6 I've marked as Defendants' Exhibit 21?

7 A. No. I do not -- I don't know.

8 Q. Do you recall receiving this e-mail
9 from Floyd Landis on Friday, February 28th,
10 2020?

11 A. No.

12 Q. Do you know what Floyd Landis is
13 referring to here as the "OR asset plan"?

14 A. No, I do not.

15 Q. Do you have any reason to believe
16 you did not receive this e-mail from Floyd
17 Landis on February 28th, 2020?

18 A. I'm unsure.

19 Q. I'm going to show you a document
20 I've marked as Defendants' Exhibit 22.

21 (Exhibit 22 was so marked for
22 identification.)

23 BY MS. COLE:

24 Q. Do you recognize the document
25 marked as Defendants' Exhibit 22?

1 Huet

2 A. I do not.

3 Q. Is this an e-mail from you,
4 Alexandra Merle-Huet with an e-mail address of
5 -- @FloydsofLeadville.com, sent on April 5th,
6 2020 to JonathanGazdak@AlexanderCapitalLP,
7 copying Floyd Landis, the subject line,
8 "Valued, Inc. diligence materials"?

9 A. I'm unsure.

10 Q. Is there a reason you're unsure
11 whether this is an e-mail that you sent on that
12 date?

13 A. It's just -- it's writing on a
14 piece of paper, I don't know where it came
15 from. I can't verify it.

16 Q. Do you have any reason to believe
17 you did not send an e-mail to Jonathan Gazdak
18 on April 5th, 2020?

19 A. I don't know.

20 Q. You've never seen this e-mail, its
21 writing on the page with the blank ink followed
22 by the red text, you've never seen this
23 document in this form before?

24 A. I don't recall.

25 Q. I'm going to show you a document

1 Huet

2 I've marked as Defendants' Exhibit 23.

3 (Exhibit 23 was so marked for
4 identification.)

5 BY MS. COLE:

6 Q. This will be the last one we'll go
7 over today.

8 Do you recognize this document?

9 A. No.

10 Q. Do you recall sending an e-mail
11 from an e-mail address
12 Alex@FloydsofLeadville.com on Monday, May 11th,
13 2020, to Jonathan Gazdak, with the subject,
14 "Barber/PA -- agreement."

15 A. No, I do not.

16 Q. Do you have any idea what this
17 e-mail is referring to Barber/PA head
18 agreement?

19 A. No, I don't recall.

20 Q. And you don't have any reason to
21 believe -- do you have any reason to believe
22 that you did not send this e-mail?

23 A. I'm unsure.

24 MS. COLE: Before we go off the
25 record, Mr. Vedra, could you just confirm

1 Huet
2 whether you have anyone present with you
3 during today's deposition.

4 MR. VEDRA: Yeah, Bob Bell is
5 sitting here with me, as he has been.

6 MS. COLE: Thank you. Those are all
7 the questions we have at this time.
8 However, we do reserve our right to
9 recall this witness.

10 MR. VEDRA: On what basis do you
11 have the right to recall?

12 MS. COLE: We can talk about it at
13 another time, but we're reserving our
14 right on the record now.

15 MR. VEDRA: I'd like to know the
16 basis for the reservation on the record,
17 please.

18 MS. COLE: She was unable to provide
19 answers. She was unable to recall
20 details. She's having a hard stop at
21 5:00 p.m., it's 4:59. We have the right
22 to take her deposition for a total of
23 seven hours.

24 MR. VEDRA: Well, among the reasons
25 is if somebody doesn't recall, who

1 Huet

2 doesn't know detail --

3 MS. COLE: No reason to have a
4 colloquy. I've stated that we're
5 reserving our right, we have seven hours,
6 we have not reached seven hours.

7 MR. VEDRA: I just want to make sure
8 I'm clear on your reasons, though.

9 MS. COLE: I don't know whether
10 you're clear or not, but I've clearly
11 stated them. So, we're ready to go off
12 the record.

13 MR. RACHMUTH: I will also be
14 requiring time to ask follow-up
15 questions.

16 MR. VEDRA: That makes sense.

17 MR. WARD: And we just to make sure
18 that Ms. Merle-Huet saves any of the
19 recordings and any text that you have and
20 to turn over to your counsel for
21 potential production.

22 MR. VEDRA: I think those are all
23 already been produced, but we'll review
24 them and produce any that have not been,
25 so.

1 Huet

2 MR. WARD: Thank you.

3 THE VIDEOGRAPHER: Counsel, would
4 you like me to conclude the deposition at
5 this time?

6 MS. COLE: Yes.

7 THE VIDEOGRAPHER: Before I do, I
8 just need to ask if anyone needs a copy
9 of the video.

10 MS. COLE: We would like a copy of
11 the video, please.

12 MR. WARD: Transcript only.

13 THE VIDEOGRAPHER: Anyone else?

14 MR. VEDRA: Yeah. I'm not quite
15 sure why we're doing separate orders for
16 the same deposition that just occurred
17 during the same day. I'm just getting
18 confused by that.

19 THE VIDEOGRAPHER: I'm sorry,
20 Counsel, I wasn't at the first
21 deposition.

22 MR. VEDRA: Okay. Yeah, we will
23 read and sign for Ms. Merle-Huet.

24 THE VIDEOGRAPHER: Thank you very
25 much.

Huet

This concludes today's deposition of
Alexandra Merle-Huet. We're off the
video record at 5:00 p.m., Eastern Time,
on September 4th, 2024.

(Whereupon, at 5:00 p.m. the matter
was concluded.)

Alexandra Merle-Huet

Subscribed and sworn to before me
this ____ day of _____, 20____.

NOTARY PUBLIC

I N D E X

WITNESS	EXAMINATION BY	PAGE
MS. MERLE-HUET	COLE / DIRECT	6

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(The exhibits were retained by Attorney Cole.)		

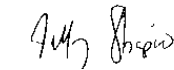
C E R T I F I C A T I O N

I, Jeffrey Shapiro, a Stenographic Reporter and Notary Public, within and for the State of New York, do hereby certify:

That ALEXANDRA MERLE-HUET, the witness whose examination is hereinbefore set forth, was first duly sworn by me, and that transcript of said testimony is a true record of the testimony given by said witness.

I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 13th day of September, 2024.



JEFFREY SHAPIRO

DEPOSITION ERRATA SHEET

Our Assignment No. J11701173

Case Caption: Floyd's of Leadville vs.
Alexander Capital

DECLARATION UNDER PENALTY OF PERJURY

I declare under penalty of perjury
that I have read the entire transcript of
my Deposition taken in the captioned
matter or the same has been read to me,
and the same is true and accurate, save
and except for changes and/or
corrections, if any, as indicated by me
on the DEPOSITION ERRATA SHEET hereof,
with the understanding that I offer these
changes as if still under oath.

Alexandra Merle-Huet

Subscribed and sworn to on the _____ day of
_____, 20____ before me,

Notary Public,
In and for the State of _____

DEPOSITION ERRATA SHEET

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SIGNATURE: _____ DATE: _____

Alexandra Merle-Huet

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Alexandra Merle-Huet